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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

		Application Number	10/776,731
		Filing Date	February 10, 2004
		First Named Inventor	Baynham, et al.
		Art Unit	3732
		Examiner Name	
Total Number of Pages in This Submission	9	Attorney Docket Number	2380.005

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
	<input type="checkbox"/> CD, Number of CD(s) _____	
	<input type="checkbox"/> Landscape Table on CD	
Remarks		
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	McHale & Slavin, P.A.		
Signature			
Printed name	Michael A. Slavin		
Date	11/18/05	Reg. No.	34,016

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Melissa A. Johnston	Date	11/18/05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE APPLICANT

: Bret O. Baynham, et al.

INVENTION:

: STATIC ANTERIOR CERVICAL PLATE

SERIAL NUMBER

: 10/776,731

FILING DATE

: February 10, 2004

EXAMINER:

: (not assigned yet)

GROUP ART UNIT

: 3732

ATTORNEY DOCKET NO.

: 2380.005

CERTIFICATE UNDER 37 CFR §1.8(a)

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Melissa A. Johnston, Legal Assistant

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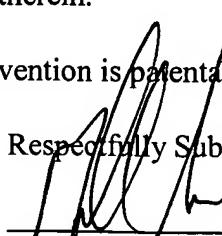
Sir:

Pursuant to the Duty to Disclose under 37 CFR §1.56, the references cited on the accompanying form PTO/SB/08A are hereby brought to the attention of the Examiner for independent evaluation. Pursuant to the Official Gazette Notice dated August 5, 2003, Applicants are not required to submit copies of these references. The references were cited in the specification and their relevancy is set forth therein.

Applicants submit that the present invention is patentable over these references.

Date: 11/19/05

Respectfully Submitted,


Michael A. Slavin
Reg. No. 34,016
McHale & Slavin, P.A.
2855 PGA Boulevard
Palm Beach Gardens, FL 33410
Telephone: (561) 625-6575
Telefax: (561) 625-6572
e-mail: palmbeach@mspatents.com

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

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U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (<i>if known</i>)			
	US-	RE 28,841	06-08-1976	Allgower, et al.	
	US-	RE 31,628	07-10-1984	Allgower, et al.	
	US-	74,489	02-18-1868	Bidwel	
	US-	434,503	08-19-1890	Corry	
	US-	556,642	03-17-1896	Ressing	
	US-	824,867	07-03-1906	Houghton	
	US-	872,897	12-03-1907	Chapman, et al.	
	US-	951,800	03-15-1910	Center	
	US-	1,084,680	01-20-1914	Wegener	
	US-	1,105,105	07-28-1914	Sherman	
	US-	1,907,506	05-09-1933	Coburn	
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	US-	2,423,511	07-08-1947	Luben, et al.	
	US-	2,757,457	08-07-1956	Ziegelski, Sr.	
	US-	3,100,516	08-13-1963	Nabb	
	US-	3,244,170	04-05-1966	McElvenny	
	US-	3,386,437	06-04-1968	Treace	
	US-	3,604,414	09-14-1971	Borges	
	US-	3,709,219	01-19-1973	Halloran	

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (<i>if known</i>)				

Examiner Signature

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		Number-Kind Code ² (if known)			
		US- 3,741,205	06-26-1973	Markoff, et al.	
		US- 3,750,652	08-07-1973	Sherwin	
		US- 3,840,014	10-08-1974	Ling, et al.	
		US- 3,960,147	06-01-1976	Murray	
		US- 4,003,376	01-18-1977	McKay, et al.	
		US- 4,037,980	07-26-1977	Haentjens	
		US- 4,069,586	01-24-1978	Skelton	
		US- 4,102,339	07-25-1978	Weber, et al.	
		US- 4,113,227	09-12-1978	Cigliano	
		US- 4,338,926	07-13-1982	Kummer, et al.	
		US- 4,388,921	06-21-1983	Sutter, et al.	
		US- 4,484,570	11-27-1984	Sutter, et al.	
		US- 4,488,543	12-18-1984	Tornier	
		US- 4,493,317	01-15-1985	Klaue	
		US- 4,503,848	03-12-1985	Caspar, et al.	
		US- 4,542,539	09-24-1985	Rowe, Jr., et al.	
		US- 4,651,724	03-24-1987	Berentey, et al.	
		US- 4,733,657	03-29-1988	Kluger	
		US- 4,762,122	08-09-1988	Slocum	

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		Number-Kind Code ² (if known)			
		US- 4,794,918	01-03-1989	Wolter	
		US- 4,896,661	01-30-1990	Bogert, et al.	
		US- 4,898,161	02-06-1990	Grundei	
		US- 4,943,292	07-24-1990	Foux	
		US- 4,957,495	09-18-1990	Kluger	
		US- 4,959,065	09-25-1990	Arnett, et al.	
		US- 5,000,166	03-19-1991	Karpf	
		US- 5,002,544	03-26-1991	Klaue, et al.	
		US- 5,019,079	05-28-1991	Ross	
		US- 5,041,113	08-20-1991	Biedermann, et al.	
		US- 5,052,373	10-01-1991	Michelson	
		US- 5,053,036	10-01-1991	Perren, et al.	
		US- 5,057,111	10-15-1991	Park	
		US- 5,059,194	10-22-1991	Michelson	
		US- 5,085,660	02-04-1992	Lin	
		US- 5,108,395	04-28-1992	Laurain	
		US- 5,127,912	07-07-1992	Ray, et al.	
		US- 5,127,914	07-07-1992	Calderale, et al.	
		US- 5,129,899	07-14-1992	Small, et al.	

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		Number-Kind Code ² (<i>if known</i>)			
		US- 5,147,361	09-15-1992	Ojima, et al.	
		US- 5,151,103	09-29-1992	Tepic, et al.	
		US- 5,167,662	12-01-1992	Hayes, et al.	
		US- 5,180,381	01-19-1993	Aust, et al.	
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		US- 5,364,399	11-15-1994	Lowery, et al.	
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		US- 5,456,685	10-10-1995	Huebner	
		US- 5,478,340	12-26-1995	Kluger	
		US- 5,478,348	12-26-1995	Bajada	
		US- 5,492,442	02-20-1996	Lasner	
		US- 5,520,690	05-28-1996	Errico, et al.	

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		Number-Kind Code ² (<i>if known</i>)			
		US- 5,527,314	06-18-1996	Brumfield, et al.	
		US- 5,531,554	07-02-1996	Jeanson, et al.	
		US- 5,531,746	07-02-1996	Errico, et al.	
		US- 5,545,163	08-13-1996	Miller, et al.	
		US- 5,545,165	08-13-1996	Biedermann, et al.	
		US- 5,549,612	08-27-1996	Yapp, et al.	
		US- 5,558,674	09-24-1996	Heggeness, et al.	
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		US- 5,607,426	03-04-1997	Ralph, et al.	
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		US- 5,662,652	09-02-1997	Schafer, et al.	
		US- 5,672,175	09-30-1997	Martin	
		US- 5,676,666	10-14-1997	Oxland, et al.	

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		US 5,676,703	10-14-1997	Gelbard	
		US 5,735,853	04-07-1998	Olerud	
		US 5,735,899	04-07-1998	Schwartz, et al.	
		US 5,755,796	05-26-1998	Ibo, et al.	
		US 5,766,254	06-16-1998	Gelbard	
		US D402,032	12-01-1998	Stone	
		US 5,849,012	12-15-1998	Abboudi	
		US D406,646	03-09-1999	Stone	
		US 5,876,402	03-02-1999	Errico, et al.	
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		Country Code ³ -Number ⁴ -Kind Code ⁵ (<i>if known</i>)				

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Sheet

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of

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Application Number: 10-1777-0001

Application Number	10/776,731
Filing Date	February 10, 2004
First Named Inventor	Baynham, et al.
Art Unit	3732
Examiner Name	
Attorney Docket Number	2380.005

Examiner Signature		Date Considered	
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